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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

12
13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ROBERT E. DENTON,

17 Defendant.

No. CR-08-0094-RHW

**ORDER DENYING MOTION FOR
REDUCTION IN SENTENCE
UNDER SECTION 3582(c)(2)**

18 On October 23, 2011, the Defendant submitted a letter to the Court in which he
19 asked about his eligibility for a sentence reduction under the Fair Sentencing Act
20 (ECF No. 81). The Court construed the letter as a Section 3582(c)(2) motion and
21 ordered a response from the Government. After reviewing the filings and applicable
22 case law, the Court must deny the Defendant's motion.

23 Defendant plead to possession of five or more grams of cocaine base, an offense
24 that carries a mandatory five-year minimum term. 21 U.S.C. § 844. At sentencing the
25 Court followed the parties' recommendation in the plea agreement and imposed the
26 minimum sentence of sixty months.¹

27
28 ¹This sentence varied below the guideline range of seventy to eighty-seven months.

1 The Fair Sentencing Act amended the guideline calculations for crack cocaine
2 offenses but not their mandatory minimum terms, and as a result the Court cannot
3 reduce the Defendant's sentence below sixty months. See United States v. Jackson,
4 557 F.3d 1032, 1034 (9th Cir. 2009).

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. Defendant's Motion to Reduce Sentence (ECF No. 81) is **DENIED**.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 order and to provide copies to counsel and the U.S. Probation Office.

9 **DATED** this 5th day of January, 2012.

10
11 *s/Robert H. Whaley*
12 ROBERT H. WHALEY
13 United States District Judge
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